

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

SB 66 – HB 516

March 6, 2009

SUMMARY OF AMENDMENT (004273): Deletes all language after the enacting clause. Creates a new offense for a person to receive or attempt to receive housing in a housing project by giving false information or concealing material information if doing so results in the person qualifying for housing accommodations under the income qualification standards established pursuant to Tenn. Code Ann. § 13-20-113 or the person's lease or rent payment is less than the person would have otherwise been required to pay under such standards. Broadens the definition of "services" to include the provision of any other intangible good or product, regardless of whether it is specifically listed in the statute.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$35,500/Incarceration*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- Theft is currently punished according to the value of the property or services obtained ranging from a Class A misdemeanor to a Class B felony.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2009 is \$59.80.
- DOC estimates one additional offender per year will be admitted for a Class E felony as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender. According to DOC, the post-conviction average time served for

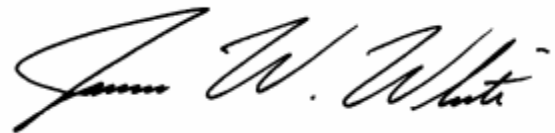
a Class E felony is 1.63 years. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days).

- Since this bill creates a new offense, no recidivism discount has been included.
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc